

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. ANDREA LODES,

Plaintiff,

vs.

Case No. CIV-21-241-JD

1. LIFETIME FITNESS, INC., and

2. LTF CLUB MANAGEMENT  
COMPANY, LLC, a/k/a LT CLUB  
MANAGEMENT, LLC,

Defendants.

**NOTICE OF REMOVAL**

TO: THE CLERK OF THE ABOVE-TITLED COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Defendants, Lifetime Fitness, Inc. and LTF Club Management Company, LLC a/k/a LT Club Management, LLC (“Defendants”) hereby remove this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma under 28 U.S.C. §§ 1331 1332, and 1441(a). Defendants remove this case on the grounds that this Court has original jurisdiction via federal question and diversity jurisdiction. Defendants’ Notice of Removal is based upon and supported by the following:

**BACKGROUND**

1. On February 25, 2021, Plaintiff Andrea Lodes (“Plaintiff”) filed this civil action against Defendants in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2021-804 (the “State Court Action”). In the Petition, Plaintiff’s claims gender

discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., and the Oklahoma Anti-Discrimination Act, 25 O.S. § 1101, et seq.” (See Exhibit 1, Petition at ¶3.) In her Prayer, Plaintiff seeks damages “in an amount in excess of that required for diversity jurisdiction pursuant to 28 U.S.C. § 1332.” *Id.* at p.10.

2. On or about March 1, 2021, Plaintiff served Defendants’ statutory agent with her Petition via certified mail.

3. This Notice of Removal is timely because it is filed within 30 days of service of the Petition. 28 U.S.C. § 1446(b)(2)(B).

4. Removal to this Court is appropriate because the Petition is pending in the District Court of Oklahoma County, State of Oklahoma, which is located in this Court’s jurisdiction. See 28 U.S.C. §§ 116(a), 1441(a).

### **GROUND FOR REMOVAL**

5. The Court has original jurisdiction over the State Court Action under 28 U.S.C. § 1331 as Plaintiff’s cause of action as alleged under the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., (Exhibit 1, Petition at ¶3) arises under the laws of the United States, providing this Court federal question jurisdiction.

6. The Court also has original jurisdiction under 28 U.S.C. § 1332. Diversity jurisdiction exists in “civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States[.]” 28 U.S.C. § 1332(a). Plaintiff is a citizen of Oklahoma. (Exhibit 1, Petition at ¶1)

Defendant Life Time, Inc. is a Minnesota corporation, and Defendant LTF Club Management Company, LLC is a Delaware corporation. Both maintain their principal places of business in Minnesota.<sup>1</sup> They are therefore “citizens” of those states for purposes of removal. 28 U.S.C. § 1332(c)(1). As set forth above, Plaintiff has pleaded for damages “in excess of that required for diversity jurisdiction pursuant to 28 U.S.C. § 1332.” (Exhibit 1, Petition at p.10).

7. Therefore, the State Court Action may be removed to this Court by Defendants under 28 U.S.C. § 1441(a).

**NOTICES PROVIDED TO PLAINTIFF AND TO STATE COURT**

8. Under 28 U.S.C. § 1446(a) and LCvR81.2, the docket sheet and a true and correct copy of all process, pleadings, and orders served upon Defendants in the State Court Action are attached. (*See* State Court Docket Sheet, attached as Exhibit 2; Entry of Appearance for Brandon Roberts, attached as Exhibit 3; Entry of Appearance for Amber Hurst, attached as Exhibit 4; Entry of Appearance for Mark Hammons, attached as Exhibit 5; Return of Summons for LTF Club Management, LLC, attached as Exhibit 6; and Return of Summons for Life Time, Inc. attached as Exhibit 7.)

9. In accordance with 28 U.S.C. § 1446(d), Defendants will promptly file a notice of filing of removal (with a copy of this Notice of Removal attached to it) with the Oklahoma County District Court Clerk. That is the court in which this action was commenced and pending at the time this Notice of Removal was filed with this Court. That

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<sup>1</sup> Lifetime Fitness, Inc. is now Life Time, Inc.

filing will be done in the case entitled *Lodes v. Lifetime Fitness, Inc., et al.*, District Court of Oklahoma County, State of Oklahoma, Case No. CJ–2021–804. Defendants will promptly serve on Plaintiff the notice of filing of removal, with a copy of the Notice of Removal attached. (*See* State Court Notice, attached as Exhibit 8.)

### **CONCLUSION**

10. By this notice, Defendants do not waive any objections they may have as to improper service, jurisdiction, or venue, or any other defenses or objections to this action. Defendants intend no admission of fact, law, or liability by this notice, and reserve all defenses, motions, and pleas. Defendants request this action be removed to this Court for determination, that all further proceedings in the state court suit be stayed, and that Defendants obtain all additional relief to which they are entitled.

WHEREFORE, Defendants respectfully remove the above-captioned action now pending against them in the District Court of Oklahoma County, State of Oklahoma, to this Court.

DATED: March 22, 2021.

Respectfully submitted,

/s/ André B. Caldwell

André B. Caldwell, OBA #22092  
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
The Heritage Building  
621 N. Robinson Ave., Ste.400  
Oklahoma City, OK 73102  
Telephone: (405) 546-3772  
Facsimile: (405) 546-3775  
andre.caldwell@ogletree.com

and

Jana S. Baker (pro hac vice forthcoming)  
Texas Bar No. 00794610  
Matthew P. Gizzo (pro hac vice forthcoming)  
Texas Bar No. 24117188  
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
Preston Commons West  
8117 Preston Road, Suite 500  
Dallas, TX 75225  
Telephone: (214) 987-3800  
Facsimile: (214) 987-3927  
jana.baker@ogletreedeakins.com  
matthew.gizzo@ogletreedeakins.com  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of March 2021, I electronically transmitted the foregoing to the Clerk of Court using the ECF system for electronic filing. The Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Mark Hammons  
Amber L. Hurst  
Brandon D. Roberts  
HAMMONS, HURST & ASSOC.  
325 Dean A. McGee Ave.  
Oklahoma City, OK 73102  
amber@hammonslaw.com  
brandon@hammonslaw.com  
*Attorneys for Plaintiff*

/s/ André B. Caldwell  
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André B. Caldwell

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